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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,887	02/12/2004	Amol R. Chitre	112056-0135U	6695
24267 7590 06/12/2007 CESARI AND MCKENNA, LLP 88 BLACK FALCON AVENUE BOSTON, MA 02210			EXAMINER LEROUX, ETIENNE PIERRE	
			ART UNIT 2161	PAPER NUMBER
			MAIL DATE 06/12/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/777,887

Applicant(s)

CHITRE ET AL.

Examiner

Etienne P. LeRoux

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

***Claim Status***

Claims 1-69 are pending. Claims 1-69 are rejected as detailed.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 11, 12, 21, 30-38, 42, 43, 45, 46, 48, 49, 50-53, 55, 56-62 and 64-69 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,748,870 (Tims et al), hereafter Tims.

Claims 1, 11, 21, 30-38, 42, 43, 45, 46, 48, 49, 51-53, 55, 56, 57-62 and 64-69:

Tims discloses:

means for identifying a dependency upon the set of PCPIs [PCPI is interpreted as replicated data copy or data mirror, col 4, lines 35-40, accurately reflect the locked or unlocked status of all data, col 4, lines 35-40]

means for creating a set of soft locks, each soft lock in the set of soft locks associated with each of the PCPIs in the set of PCPIs [soft lock is interpreted as multi-user access to said primary storage device and supports data-access locking with data-access lock and unlock capabilities for regulating multi-user access to data on the primary logical drive, col 3, lines 50-

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55, exclusive lock is disclosed in col 5, lines 45-50, access-lock-sequencing protocol, col 3, lines 55-65, lock table, col 5, lines 55-60]

means for transmitting the set of soft locks to one or more of the set of computers [col 6, lines 10-30, two or more target storage devices, col 2, lines 1-10]

Claims 2, 12 and 50:

Tims discloses wherein the set of computers comprises a set of storage appliances [The Figure, write activity]

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3, 4, 5, 6, 7, 8, 10, 13, 14, 15, 16, 17, 18, 20, 22, 23, 24, 25, 26, 27, 28, 39, 41, 44, 47, 54 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tims in view of US Pat No 6,105,057 (Kuftedjian et al), hereafter Kuftedjian.

Claims 3, 13, 23 and 41:

Tims discloses the elements the elements of claim 1 as noted above but does not disclose wherein each soft lock comprises a PCPI identifier field, a type field and a string field.

Kuftedjian discloses wherein each soft lock comprises a PCPI identifier field, a type field and a string field [Fig 3A]. It would have been obvious tone of ordinary skill in the art at the time the invention was made to modify Tims to include wherein each soft lock comprises a PCPI

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identifier field, a type field and a string field as taught by Kuftedjian for the purpose of providing a string of characters to represent a network object or resource to be locked [col 5, lines 30-35]

Claims 4, 14 and 24:

The combination of Tims and Kuftedjian discloses the elements of the claimed invention as noted above and furthermore Kuftedjian discloses wherein the string field comprises user visible information [Fig 3A]

Claims 5, 15 and 25:

The combination of Tims and Kuftedjian discloses the elements of the claimed invention as noted above and furthermore Kuftedjian discloses wherein the string field identifies an application that depends upon the PCPI associated with the soft lock [Fig 2, col 5, lines 5-25, col 6, lines 5-10, col 6, lines 50-65, col 7, lines 1-10]

Claims 6, 16 and 26:

The combination of Tims and Kuftedjian discloses the elements of the claimed invention as noted above and furthermore Kuftedjian discloses wherein the type field identifies a type of data in the string field [Fig 3A].

Claims 7, 17, 27 and 63:

The combination of Tims and Kuftedjian discloses the elements of the claimed invention as noted above and furthermore Kuftedjian discloses wherein the type of data comprises an owner name [Fig 3A].

Claims 8, 18 and 28:

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The combination of Tims and Kuftedjian discloses the elements of the claimed invention as noted above and furthermore Kuftedjian discloses wherein the type of data comprises a destination path [col 5, lines 5-15]

Claims 10, 20, 22, 39, 44, 47 and 54:

The combination of Tims and Kuftedjian discloses the elements of the claimed invention as noted above and furthermore Tims discloses wherein the means for transmitting the set of soft locks to one or more of the set of computer comprises means for transmitting the set of soft locks before an asynchronous mirroring process and means for transmitting the set of soft locks to one or more of the set of computer comprises means for transmitting the set of soft locks before an asynchronous mirroring process [col 4, lines 40-55]

Claims 9, 19, 29 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Tims and Kuftedjian and further in view of Applicant's admitted prior art (hereafter AAPA).

Claims 9, 19, 29 and 40:

The combination of Tims and Kuftedjian discloses the elements of claim 1 as noted above but does not disclose wherein the type of data comprises a qtree name. AAPA discloses wherein the type of data comprises a qtree name [Page 15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify above combination of references to include wherein the type of data comprises a qtree name for the purpose of grouping data records according to their frequency of changing.

***Response to Arguments***

Applicant's arguments filed 4/30/2007 have been fully considered but they are moot based on above new grounds of rejection.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday, 8:00 am - 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

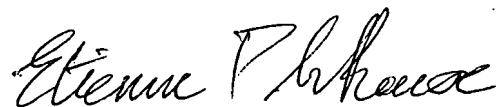
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Etienne LeRoux

6/8/2007

A handwritten signature in black ink, appearing to read 'Etienne Leroux', written in a cursive style.

ETIENNE LEROUX  
PRIMARY EXAMINER